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Filing date: **09/17/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202968
Party	Plaintiff Shoe Show, Inc.
Correspondence Address	KATHLEEN T GALLAGHER-DUFF COVINGTON & BURLING LLP 1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 UNITED STATES trademarks@cov.com
Submission	Other Motions/Papers
Filer's Name	Kathleen T. Gallagher-Duff
Filer's e-mail	trademarks@cov.com
Signature	/kathleengallagher-duff/
Date	09/17/2012
Attachments	Motion to Compel 91202968.pdf (3 pages)(78955 bytes) Memorandum of Law 91202968.pdf (5 pages)(160936 bytes) Declaration of Kathleen Gallagher Duff.pdf (3 pages)(96996 bytes) Exhibits 1 to 6 Declaration.pdf (33 pages)(1156176 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Shoe Show, Inc.,

Opposer,

v.

Super Star International, Inc.,

Applicant.

Opposition No. 91202968

Serial No. 85/084,862

Mark: AIR SPORT and Design

Filed: July 12, 2010


**MOTION TO COMPEL RESPONSES TO INTERROGATORIES
AND THE PRODUCTION OF DOCUMENTS
AND TO REOPEN OPPOSER'S DISCOVERY PERIOD AND
EXTEND PRETRAIL DISCLOSURES, TESTIMONY AND BRIEFING DEADLINES**

Upon the accompanying Declaration of Kathleen T. Gallagher-Duff and Memorandum of Law, Opposer Shoe Show, Inc. ("Opposer"), hereby moves the Trademark Trial and Appeal Board (the "Board") for an Order: (1) pursuant to 37 C.F.R. § 2.120(e) and Rule 37 of the Federal Rules of Civil Procedure, compelling Applicant Super Star International, Inc. ("Applicant") to answer Opposer's First Interrogatories and to produce all information and documents requested in Opposer's First Request for Production of Documents fully, without objection and without reliance on claims of confidentiality, privilege or work product; (2) pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. §§ 2.120(a), 2.121(a), reopen Opposer's discovery period and extend the pretrial disclosures, testimony and briefing deadlines sixty (60) days; and (3) for such other relief as the Board deems just and proper.

Pursuant to 37 C.F.R. § 2.127(a), Applicant's brief in response to this Motion, if any, is due 15 days from the date of service hereof.

Dated: September 17, 2012

Respectfully submitted,

By: 
Kathleen T. Gallagher-Duff
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel.: (202) 662-5299
Fax: (202) 778-5299

Attorneys for Opposer
Shoe Show, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and accurate copies of the foregoing

1. MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND THE PRODUCTION OF DOCUMENTS AND TO REOPEN OPPOSER'S DISCOVERY PERIOD AND EXTEND PRETRIAL DISCLOSURES, TESTIMONY AND BRIEFING DEADLINES;
2. MEMORANDUM OF LAW IN SUPPORT OF OPPOSER'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND THE PRODUCTION OF DOCUMENTS AND TO REOPEN OPPOSER'S DISCOVERY PERIOD AND EXTEND PRETRIAL DISCLOSURES, TESTIMONY AND BRIEFING DEADLINES; and
3. DECLARATION OF KATHLEEN T. GALLAGHER-DUFF

were served on Applicant Super Star International, Inc. via first class mail, postage prepaid this 17th day of September 2012, to counsel for Super Star International, Inc. by email to dienerlaw@msn.com and at the address below:

Christopher Diener, Esq.
Diener Law
18881 Von Karman Ave.
16th Floor
Irvine, CA 92612


Kathleen T. Gallagher-Duff

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposer,

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**MEMORANDUM OF LAW IN SUPPORT OF OPPOSER'S
MOTION TO COMPEL RESPONSES TO INTERROGATORIES
AND THE PRODUCTION OF DOCUMENTS AND
TO REOPEN OPPOSER'S DISCOVERY AND EXTEND PRE-TRIAL DISCLOSURES,
TESTIMONY AND BRIEFING DEADLINES**

COVINGTON & BURLING
Attorneys for Opposer
Shoe Show, Inc.
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 662-5299

Opposer, Shoe Show, Inc. (“Opposer”) submits this Memorandum of Law in support of its Motion for an Order (i) compelling Applicant Super Star International, Inc. (“Applicant”) to respond to Opposer’s First Interrogatories and to produce all information and documents requested in Opposer’s First Request for Production of Documents fully, without objection, and without reliance on claims of confidentiality, privilege or work product; and (ii) reopening Opposer’s discovery period and extending the parties’ respective pretrial disclosures, testimony and briefing deadlines sixty (60) days.

FACTUAL BACKGROUND

Pursuant to the Trademark Trial and Appeal Board’s (the “Board”) December 14, 2011 Order (the “Order”) setting the discovery and testimony dates in this proceeding, Opposer served its First Interrogatories and Request for Production of Documents on March 21, 2012. *See* Declaration of Kathleen T. Gallagher-Duff, ¶ 1.¹ Pursuant to Federal Rules of Civil Procedure 33 and 34, Applicant’s responses to Opposer’s discovery requests were due to be served on Opposer April 20, 2012. Applicant has failed to respond to Opposer’s discovery requests despite numerous requests by Opposer’s counsel to Applicant’s counsel to do so.

On May 29, 2012, Opposer’s counsel emailed Applicant’s counsel, requesting receipt by May 31, 2012 of Applicant’s responses to the outstanding discovery requests. Applicant’s counsel responded the same date, advising that he would provide the responses “asap.” Gallagher-Duff Decl. ¶ 5. On June 1, 2012, Opposer’s counsel again emailed Applicant’s counsel, requesting that Applicant respond to Opposer’s outstanding discovery requests. Applicant did not respond. Gallagher-Duff Decl. ¶ 6.

¹ The Declaration of Kathleen T. Gallagher-Duff is hereinafter referred to as the “Gallagher-Duff Decl.”

After several telephone calls to Applicant's counsel, Opposer's counsel spoke with Applicant's counsel on or about September 4, 2012 and on September 7, 2012, at which time Applicant's counsel advised that he would provide Applicant's response to Opposer's outstanding discovery requests in a few days. Gallagher-Duff Decl. ¶ 7.

On September 11, 2012, Applicant's counsel advised Opposer's counsel by email that he believed his client was going to withdraw its applications, and when Applicant's counsel and Opposer's counsel spoke on or about September 13, 2012 and again on September 17, 2012, Applicant's counsel stated that he planned to withdraw Applicant's applications "in a matter of days" when he recovered from the flu. Gallagher-Duff Decl. ¶¶ 8, 9.

To date Applicant has not responded to Applicant's outstanding discovery requests or withdrawn its applications that are the subject of Opposition Nos. 91202968 and 91202967.

ARGUMENT

I.

OPPOSER IS ENTITLED TO AN ORDER TO COMPEL

Where a party fails to respond to proper discovery requests, the Board is empowered to compel a response. 37 C.F.R. § 2.120(e); Fed. R. Civ. P. 37. Here, Applicant has ignored its discovery obligations under the Federal Rules and the Board's Order by failing to serve any response to Opposer's First Set of Interrogatories and Request for Production of Documents. Therefore, the Board should enter an Order compelling Applicant to respond to Opposer's First Set of Interrogatories and to produce all information and documents requested in Opposer's First Set of Document Requests fully, without objection, and without reliance on claims of confidentiality, privilege or work product;. See Miss America Pageant v. Petite Prods.,

Inc., 17 U.S.P.Q. 2d (TTAB 1990); No Fear Inc. v. Rule, 54 U.S.P.Q. 2d 1551, 1554 n.2 (TTAB 2000).

II.

OPPOSER IS ENTITLED TO AN ORDER TO REOPEN OPPOSER'S DISCOVERY PERIOD AND EXTEND PRETRIAL DISCLOSURES, TESTIMONY AND BRIEFING DEADLINES

The Board may extend discovery and testimony periods upon motion or by its order. 37 C.F.R. § 2.121(a); Fed. R. Civ. P. 6(b). Applicant's complete failure to respond to Opposer's discovery requests constitutes good cause to reopen the discovery period and to extension the parties' pretrial disclosures, testimony and briefing deadlines. 37 C.F.R. § 2.121(a). See Miss America Pageant, 17 U.S.P.Q. 2d 1067 (TTAB 1990). The Board explained in Miss America Pageant:

the Board will, upon motion, reopen or extend discovery solely for the benefit of a party whose opponent, by wrongfully refusing to answer, or delaying its responses to, discovery, has unfairly deprived the propounding party of the right to take follow-up.

Miss America Pageant at 1070. Here, Applicant's failure to discharge its discovery obligations has prejudiced Opposer's ability to conduct follow-up discovery. Accordingly, an order reopening Opposer's discovery period and extending the parties' pretrial disclosures, testimony and briefing deadlines is warranted.

CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board issue an Order: (i) compelling Applicant to respond to Opposer's First Set of Interrogatories and to produce all information and documents requested in Opposer's First Set of Document Requests

fully, without objection, and without reliance on claims of confidentiality, privilege or work product; and (ii) reopening Opposer's discovery period and extending the parties' pretrial disclosures, testimony and briefing deadlines sixty (60) days.

Respectfully submitted,

By: 

Kathleen T. Gallagher-Duff
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel.: (202) 662-5299
Fax: (202) 778-5299

Attorney for Opposer
Shoe Show, Inc.

Dated: September 17, 2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Shoe Show, Inc.)	
)	
Opposer,)	
)	Opposition Nos. 91202968, 91202967
v.)	
)	
Super Star International, Inc.,)	
)	
Applicant.)	
_____)	

DECLARATION OF KATHLEEN T. GALLAGHER-DUFF

I, Kathleen T. Gallagher-Duff, hereby declare as follows:

I am an attorney duly admitted to practice in the District of Columbia. I am Of Counsel with the firm of Covington & Burling LLP, attorneys for Opposer, Shoe Show, Inc. ("Opposer"). I submit this Declaration in support of Opposer's Motion for an Order: (1) compelling Applicant Super Star International, Inc. ("Applicant") to answer and to produce all information and documents requested in Opposer's First Interrogatories and Request for Production of Documents fully, without objection, and without reliance on claims of confidentiality, privilege or work product; and (2) reopening Opposer's discovery period and extending pretrial disclosures and testimony and briefing deadlines sixty (60) days, and for such other relief as the Board deems just and proper.

On December 14, 2011, the Trademark Trial and Appeal Board ("TTAB") issued an order (the "Order") setting the discovery and testimony dates in this proceeding. See Exhibit 1 attached hereto.

1. Opposer served its First Interrogatories and Request for Production of Documents on Applicant's counsel on March 21, 2012 by email and first class mail. See Exhibit 2 attached hereto. Opposer's discovery requests are in compliance with the Federal Rules of Civil Procedure and TTAB rules.

2. Pursuant to Federal Rules of Civil Procedure 33 and 34, Applicant's responses to Opposer's discovery requests were due April 20, 2012.

3. On April 3, 2012, I reminded Applicant's counsel by email of the April 20, 2012 deadline for Applicant to respond to Opposer's discovery requests. Attached hereto as Exhibit 3 is a true and correct copy of my April 3, 2012 email to Applicant's counsel.

4. Applicant has failed to respond to Opposer's discovery requests despite numerous follow-up requests by me to Applicant's counsel by email and voice mail messages.

5. On May 29, 2012, I emailed Applicant's counsel, requesting receipt by May 31, 2012 of Applicant's responses to the outstanding discovery requests. Applicant's counsel responded the same date, advising that he would "get [me] the responses asap." Attached hereto as Exhibit 4 are true and correct copies of my May 29, 2012 email to Applicant's counsel and Applicant's counsel's response on the same date.

6. On June 1, 2012, I again emailed Applicant's counsel, requesting that Applicant respond to Opposer's outstanding discovery requests. Attached hereto as Exhibit 5 is a true and correct copy of my June 1, 2012 email to Applicant's counsel. I received no response from Applicant's counsel.

7. After several telephone calls to Applicant's counsel, I spoke with Applicant's counsel on or about September 4, 2012 and September 7, 2012, at which time Applicant's counsel assured me that he would provide me with Applicant's responses to Opposer's discovery requests in a few days. At Applicant's counsel's request, I agreed not to proceed with the filing of a motion to compel discovery until the following week.

8. On September 11, 2012, Applicant's counsel advised me by email that "I believe that my client is going to withdraw its application. I simply need to confirm that there are no unforeseen financial ramifications for withdrawing the application. I should be able to get the withdrawal done within the next couple days." Attached hereto as Exhibit 6 is a true and correct copy of Applicant's counsel's September 11, 2012 email to me.

9. In follow-up telephone calls with Applicant's counsel on or about September 13, 2012 and on September 17, 2012, Applicant's counsel advised me that he planned to withdraw Opposer's applications "in a matter of days" when he recovered from the flu.

10. To date Opposer has not responded to Applicant's outstanding discovery requests or withdrawn its applications that are the subject of Opposition Nos. 91202968 and 91202967.

I declare under the penalty of perjury that all of the foregoing is true and correct.

Dated: September 17, 2012

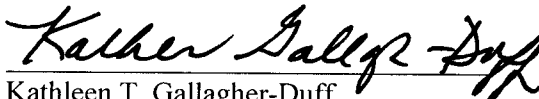

Kathleen T. Gallagher-Duff

Exhibit 1

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 14, 2011

Opposition No. 91202968
Serial No. 85082862

C/O 3TMC
SUPER STAR INTERNATIONAL INC
PO BOX 1818
RANCHO CUCAMONGA, CA 91729-1818
tmregistered@gmail.com

Shoe Show, Inc.

v.

Super Star International, Inc.

Kathleen T. Gallagher-Duff
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004
trademarks@cov.com

ESTTA446193

A notice of opposition to the registration sought by the above-identified application has been filed. A service copy of the notice of opposition was forwarded to applicant (defendant) by the opposer (plaintiff). An electronic version of the notice of opposition is viewable in the electronic file for this proceeding via the Board's TTABVUE system: <http://ttabvue.uspto.gov/ttabvue/v?qs=91202968>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/trademarks/index.jsp>. The Board's main webpage (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for

the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address:**
<http://ttabvue.uspto.gov/ttabvue/>.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	1/23/2012
Deadline for Discovery Conference	2/22/2012
Discovery Opens	2/22/2012
Initial Disclosures Due	3/23/2012
Expert Disclosures Due	7/21/2012
Discovery Closes	8/20/2012
Plaintiff's Pretrial Disclosures	10/4/2012
Plaintiff's 30-day Trial Period Ends	11/18/2012
Defendant's Pretrial Disclosures	12/3/2012
Defendant's 30-day Trial Period Ends	1/17/2013
Plaintiff's Rebuttal Disclosures	2/1/2013
Plaintiff's 15-day Rebuttal Period Ends	3/3/2013

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and

introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at:

<http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for

pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the **Electronic System for Trademark Trials and Appeals (ESTTA)**. Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

Exhibit 2

Gallagher -Duff, Kathleen

From: Gallagher -Duff, Kathleen
Sent: Wednesday, March 21, 2012 4:50 PM
To: Christopher Diener (dienerlaw@msn.com)
Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications
Attachments: DOC.PDF; DOC.PDF

OFFER OF COMPROMISE PURSUANT TO RULE 408 OF THE FEDERAL RULES OF EVIDENCE

THIS EMAIL IS FOR SETTLEMENT PURPOSES ONLY AND MAY NOT BE USED IN ANY LITIGATION BETWEEN THE PARTIES, INCLUDING ANY OPPOSITION PROCEEDING BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD.

Dear Christopher:

Attached are copies of Shoe Show's First Interrogatories and Request for Production of Documents in Opposition Nos. 91202967 and 91202968 against Super Star International's AIR SPORT and Design and AIR SPORT AIR SPORT and Design applications.

We look forward to receipt of your proposal regarding changes to your client's marks so that they are not confusingly similar with Shoe Show, Inc.'s AIR SPORTS WORLD mark.

Kathleen Gallagher-Duff

Kathleen T. Gallagher-Duff
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Phone: (202) 662-5299
Fax: (202) 778-5299
Email: kgallagher-duff@cov.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Shoe Show, Inc.,

Opposer,

v.

Super Star International, Inc.,

Applicant.

Opposition No. 91202968

Serial No. 85/082,862

Mark: AIR SPORT and Design

Filed: July 12, 2010

OPPOSER'S FIRST INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

Pursuant to the provisions of Rules 33 and 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office, Opposer Shoe Show, Inc. propounds the following interrogatories to be answered under oath by Applicant Super Star International, Inc. ("Super Star"), and requests that Applicant produce the documents set forth below. These interrogatories and requests for production of documents are deemed to be continuing and require Applicant to file supplementary responses to the extent provided by Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS

1. If any information called for by an interrogatory is withheld on the ground that it is subject to the attorney-client, work product privilege or any other privilege or exemption, Applicant shall state with respect to each such interrogatory that information is

being withheld, explain the nature and grounds for the privilege or exemption claimed, describe the nature of the information withheld with sufficient particularity to provide a basis for determination of the validity of the privilege or exemption claimed, and provide all other information called for by the interrogatory.

2. If any document or documents called for by a request are withheld on the ground that they are subject to the attorney-client, work product privilege or any other privilege or exemption, Applicant shall provide the following information:

- a. The name and position of each author, originator and/or creator of the document;
- b. The name and position of each addressee of the document;
- c. The name and position of each other person who received or was shown the document or a copy thereof;
- d. The nature of the document (*i.e.*, a letter, a memorandum, an advertisement, hand-written notes, etc.);
- e. The general subject matter of the document or that portion of the document withheld;
- f. The date of the document or, if the specific creation date of the document is not known, your best estimate of the date (*i.e.*, month and year or, if the month is not known, the year) on which the document is believed to have been created;
- g. The number of pages of the document;
- h. The specific privilege or exemption claimed for that document; and
- i. An explanation of the grounds for claiming such privilege or exemption, with sufficient particularity to provide a basis for determination of the validity of the privilege or exemption claimed.

Applicant shall provide all other documents called for by the document request.

3. Applicant shall quote in full the particular interrogatory or particular subpart to which Applicant is responding, and shall follow it immediately by Applicant's

answer thereto, which shall be identified by the same number or letter as the interrogatory or subpart to which it corresponds.

4. Applicant shall quote in full the particular document request or particular subpart to which Applicant is responding, and shall follow it immediately by Applicant's answer hereto, which shall be identified by the same number or letter as the document request or subpart to which it corresponds.

5. If information and answers requested are neither known nor reasonably available in the precise manner requested or for the particular period specified, but can be answered and supplied partially in modified form or for a different but relevant date or period, Applicant shall set forth the best and most complete answer and information available along with the reasons why the answer may not be completely responsive to the interrogatory, together with the identity of any document, individual or other source from which or from whom more complete information is or may be obtainable.

6. Whenever an interrogatory or subpart requests information with respect to "each" one of a particular occurrence or type of occurrence, communication, document, individual or other matter of which more than one exists or may exist, separately identify each separate occurrence, communication, document, individual or other matter, and provide for each of them following its identification all of the information requested by the interrogatory.

7. To the extent, and only to the extent, that an answer to any interrogatory or a particular subpart may be made completely responsive by reference to another answer, identify the referenced answer number, subletter designation and page and designate specifically each part thereof to which reference is made.

8. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope.

9. "Each" includes the word "every" and "every" includes the word "each." "Any" includes the word "all" and "all" includes the word "any." "And" as well as "or" shall be construed either disjunctively or conjunctively so as to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope.

10. The use of the singular herein shall be deemed to include the plural, and the masculine the feminine, as appropriate in the context.

DEFINITIONS

A. "Applicant" and "you" (including all forms of the pronoun "you") mean Super Star International, Inc., including its divisions, departments, subsidiaries, parents, joint venture partners, officers, directors, owners, agents, employees, accountants, attorneys, any predecessor or successor in interest thereof, and all other persons acting on Applicant's behalf or for the benefit of Applicant.

B. "Opposer" means Shoe Show, Inc., including its officers, directors, employees, attorneys, agents, and representatives, any predecessor or successor in interest thereof, and all other persons acting on Opposer's behalf.

C. "Document" or "documents" means any writing of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, email, memoranda, notes, desk calendars, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, newsletters,

informational sheets, insurance policies and related papers, pamphlets, books, flyers, prospectuses, inter-office and intra-office communications, offers, notations of any sort of conversations (including telephone calls, meetings, or other communications), bulletins, printed matter, signs, decals, packaging, labels, brochures, advertisements, statements of account, computer printouts, teletypes, telefaxes, invoices, worksheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or aural records or representations of any kind, electronic, mechanical, or electric records or representations of any kind, and other data compilations from which information can be obtained or translated through detection devices into reasonably useable form, of which you have knowledge or which is now or was formerly in your actual or constructive possession, custody or control.

D. "Person" means any individual, firm, corporation, partnership, proprietorship, cooperative, association, joint venture, organization, governmental body, group of natural persons, or any other entity.

E. The term "identify" or "specify," when used in reference to an individual person, means to state his full name, his present residence or employment address (if known), his last known residence and employment address (if no present address is known), his present or last known position or business affiliation, his present residence or employment telephone number (if known), and his last known employment and residence telephone number (if no present telephone number is known).

F. The term "identify" or "specify," when used in reference to a person that is a firm, corporation, partnership, proprietorship, cooperative, association, joint venture or other organization or entity, means to state its full legal name and its present (or last known) address and telephone number.

G. The term "identify" or "specify," when used in reference to documents, means to set forth their dates, titles, authors (and, if different, the signer or signers), addressees, the type of document (*e.g.*, letter, memorandum, chart), their present or last known location and custodian, all known recipients, the stated title or subject, if any, or the substance thereof, with such reasonable particularity as is sufficient for a specific demand for production, or in the alternative, to produce a copy of the documents in question. Documents to be identified shall include both documents in your possession, custody, and control and all other documents of which you have knowledge. With respect to any responsive document that was, but is no longer, in your possession, custody, or control, or was known to you, but is no longer in existence, the term "identify" also means to state what disposition was made of it or what became of it, and if any such responsive document has been destroyed, the term "identify" also means to state the circumstances of and reasons for such destruction and the names of the persons authorizing and performing the destruction.

H. The term "identify" or "specify," when used in reference to an oral communication, means to state the date and place of the oral communication, to identify each person who was present or heard any part of the communication, to state the substance of what was said by each person who participated in the communication, and to identify all documents which summarize, record, reflect, or refer to the communication.

I. The term "identify" or "specify," when used in reference to an advertisement, means to state its date(s) of publication, the medium in which it appeared, the geographic location(s) in which it appeared, the person principally responsible for its creation, and the goods and services advertised.

J. The term "advertisement" means and includes all communications to third parties fixed in a tangible medium of expression and intended to promote or encourage the purchase or sale of goods or services in the United States.

K. The term "advertising" means and includes all advertisements and all other communications to third parties intended to promote or encourage the purchase or sale of goods or services in the United States.

L. The term "Mark(s)" means and includes trademarks, service marks, trade names, corporate names, and any other symbol or device used to identify the source, affiliation, or identity of any product, service, or person.

M. The term "Applicant's Marks" means the mark referred to in paragraph 1 of Opposer's Notice of Opposition and which is the subject of Serial No. 85/082,862, and any other marks owned by Applicant that consist of or include the mark in Serial No. 85/082,862, or AIR SPORT.

N. The term "Opposer's Mark" means the mark AIR SPORTS WORLD for which Opposer is the owner of the following application filed with the United States Patent and Trademark Office: Serial No. 85/285,603.

INTERROGATORIES

1. Specify the date on which you contend you first acquired rights in each of Applicant's Marks in the United States and describe how you acquired such rights.

2. Identify all trademark searches, public opinion surveys, market research studies, or other investigations, searches, studies or reports conducted in connection with the consideration of, or related to, Applicant's adoption and/or use of each of Applicant's Marks.

3. Separately as to each of Applicant's Marks, identify by common commercial name each product or service you now offer under each of Applicant's Marks in the United States and, as to each such product or service, identify (i) each state in which you currently offer the product or service under the Mark, (ii) the date on which you first offered the product or service under the Mark in each such state, (iii) the date on which you first offered the product or service under the Mark in interstate commerce; (iv) the date on which you first offered the product or service under the Mark on the Internet; and (v) each time period, if any, during which you discontinued use of each of Applicant's Marks on or in connection with the product or service and the reasons for such discontinuance.

4. Separately as to each of Applicant's Marks, identify by common commercial name each product or service you intend to offer, but have not yet commenced offering, under each of Applicant's Marks in the United States and, as to each such product or service, identify (i) each state in which you intend to offer the product or service under the Mark, (ii) the approximate the date on which you intend to commence use of the product or service under the Mark in each such state, and (iii) the approximate date on which you intend to offer the product or service under the Mark on the Internet.

5. Separately as to each of Applicant's Marks, and separately as to each product and service identified in response to Interrogatory No. 3, state the dollar volume of sales of that product and that service under that Mark in each state of the United States in each year since the date identified in response to Interrogatory No. 1.

6. Separately as to each of Applicant's Marks, state the dollar amount you spent to advertise products and services under that Mark in each state of the United States in each year since the date identified in response to Interrogatory No. 1.

7. Separately as to each product or service identified in response to Interrogatory No. 3, describe each channel of trade through which the product or service reaches ultimate consumers in the United States.

8. Separately as to each product or service identified in response to Interrogatory No. 4, describe each channel of trade through which the product or service is intended to reach ultimate consumers in the United States.

9. Separately as to each product or service identified in response to Interrogatory No. 3, describe the target class of consumers to whom the product or service is advertised or sold.

10. Separately as to each product or service identified in response to Interrogatory No. 4, describe the intended target class of consumers to whom the product or service is intended to be advertised or sold.

11. Separately as to each of Applicant's Marks identified in response to Interrogatory 3 for which you have discontinued use or on in connection with any goods or services, (a) identify each such product or service on or in connection with which Applicant has discontinued use of each of Applicant's Marks, and (b) state whether Applicant has discontinued use of each of Applicant's Marks on or in connection with said goods or services with an intent not to resume use of Applicant's Mark on or in connection with said goods or services.

12. Describe in detail the structure of Applicant's business in connection with which each of Applicant's Marks is used, and identify all officers, or those who stand in place of officers, and all corporate entities involved in said business, and all parent or subsidiary companies of such entities.

13. As to each of Applicant's Marks,

- a. Identify separately all persons who participated or were consulted in the process of selecting the Mark or who have knowledge of such selection, specifying the nature of each such person's participation or knowledge; and
- b. Describe in detail all facts and circumstances relating to the selection, adopting, creation, and design of the Marks, including without limitation the reasons for the selection.

14. If Applicant sells or provides or will sell or provide products or services under any of Applicant's Marks through any entity or agents of Applicant, identify as to each such Mark, each such entity or agent, describe the nature of their businesses and activities, and describe Applicant's marketing and sales arrangements with them.

15. Identify each advertising agency employed or consulted by Applicant in connection with the promotion or advertising of products or services under each of Applicant's Marks, and identify or specify:

- a. For each such agency, the person principally responsible for Applicant's account;
- b. Each advertisement in which Applicant's products or services have been advertised in connection with each of Applicant's Marks;
- c. The total amount expended by Applicant in each year since the date specified in response to Interrogatory No. 1 for the

promotion and advertisement of Applicant's products and services through use of each of Applicant's Marks;

- d. Each advertisement in which Applicant's products or services are intended to be advertised in connection with each of Applicant's Marks; and
- e. All communications with each such agency referring or relating to each of Applicant's Marks.

16. Identify all materials on which each of Applicant's Marks has been used or will be used in connection with Applicant's products and services.

17. State when and how you first became aware of Opposer's Mark.

18. With respect to the period of time during which Applicant has been using each of Applicant's Marks, describe in detail all instances of which Applicant has actual or hearsay knowledge concerning (i) any inquiry regarding any actual or assumed association, affiliation, or connection between Applicant or its products or services or any of Applicant's Marks, and Opposer or its products or services or Opposer's Mark, or (ii) any actual or purported association, mistake or confusion by any person with regard to any affiliation between Applicant or its products or services or any of Applicant's Marks and Opposer or its products or services or Opposer's Mark, and state as to each such instance:

- a. The identify of each person actually or purportedly confused or making the inquiry;
- b. The nature of the inquiry, confusion or association;
- c. The reason(s) given, if any, for such inquiry, confusion or association;

- d. The date of each such occurrence;
- e. The source of Applicant's information and the means by which the information was received;
- f. The identity of any person to whom such occurrence was reported or who otherwise has knowledge of such occurrence; and
- g. The identity of all documents which evidence, reflect, refer or relate to such inquiry, confusion or association.

19. With respect to each instance of confusion, mistake, or association identified in Applicant's response to Interrogatory No. 18, describe all efforts made by Applicant or made on Applicant's behalf to investigate such instance of confusion, mistake, or association and identify all persons who participated in such investigation or were contacted concerning their knowledge or awareness of such instance.

20. State whether you have conducted, caused to be conducted or obtained any survey, poll, consumer perception study, market research study, focus group study or other study relating to any issue in this proceeding, including whether any likelihood of confusion may exist between any of Applicant's Marks and Opposer's Mark, and, if so, describe each such survey, poll or study, identify each person having knowledge or information thereof, and identify all documents relating thereto.

21. Identify all state trademark registrations or pending registration applications filed by Applicant for any of Applicant's Marks.

22. Identify all registration applications filed outside the United States by Applicant for any of Applicant's Marks.

23. Identify each person you expect to call as an expert witness in this proceeding and, describe for each, the subject matter upon which the expert is expected to testify and the grounds for each opinion the expert is expected to give.

24. Identify the officer(s), director(s), employee(s) or agent(s) and other individuals, now and in the past employed by or affiliated with Applicant, who are most knowledgeable concerning:

- a. past, present and future sales of products and services under each of Applicant's Marks; and
- b. past, present and future advertising of all products and services under each of Applicant's Marks.

25. Identify each individual who provided information or otherwise assisted (other than in a clerical capacity) in the preparation of answers to the foregoing Interrogatories.

REQUESTS FOR PRODUCTION

1. All documents from which Applicant obtained information used to answer Opposer's First Interrogatories.

2. All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that refer to, relate to or include a reference to Applicant, any of Applicant's Marks, or any of Applicant's goods or services.

3. All documents evidencing, reflecting, referring, or relating to any misdirected telephone call, misdirected correspondence, or other instance in which any person has been, has claimed to be, or has appeared to be confused, mistaken, or deceived as to the relationship between Applicant, any of Applicant's goods or services, or any of Applicant's

Marks, on the one hand, and Opposer, any of Opposer's goods or services, or any of Opposer's Marks, on the other hand.

4. All documents evidencing, reflecting, referring, or relating to any survey, poll, consumer perception study, focus group study, market research study or other study that you conducted, caused to be conducted, or obtained relating to any issue in this proceeding.

5. All documents referring or relating to any person you intend to call as an expert witness in this proceeding.

6. All documents you have provided or shown to any person you intend to call as an expert witness in this proceeding.

7. All documents relied upon, either in whole or in part, as a basis for any opinion to be rendered by any expert witness that Applicant may call, or from whom you have obtained or will obtain statements, affidavits, or declarations, or who is expected to give opinion testimony in this proceeding.

8. All documents, including without limitation, marketing plans, media plans, invoices, contracts, catalogs, training materials, memoranda, bulletins, brochures, and sales tools that refer or relate to, or describe, explain, or evaluate, your marketing activities under each of Applicant's Marks.

9. Separately as to each Mark identified in response to Interrogatory No. 1, representative samples of materials, including, without limitation, packaging, brochures, advertisements, pamphlets, or other promotional materials, on which such Mark has been printed, embossed, stamped, or published to advertise, promote, sell, distribute, or market the products or services identified in response to Interrogatory No. 3.

10. All documents evidencing, referring, or relating to the target audience to whom Applicant, either directly or through an authorized user or licensee, has directed or intends to direct advertising or promotional materials containing any of Applicant's Marks for any products or services which Applicant offers or intends to offer.

11. All documents evidencing, referring, or relating to the classes or types of customers who have purchased, received or requested, or which Applicant anticipates will purchase, receive or request any products or services offered or intended to be offered under any of Applicant's Marks.

12. All documents referring or relating to Opposer, Opposer's Mark or any of Opposer's products or services.

13. All documents constituting, evidencing, reflecting, referring, or relating to any communication between you and any third party concerning Opposer, Opposer's Mark or any of Opposer's products or services.

14. All documents evidencing, reflecting, referring, or relating to any license you have granted to any person to provide goods or services under any of Applicant's Marks.

15. All documents evidencing, reflecting, referring, or relating to any assignment or transfer of rights in any of Applicant's Marks.

16. All agreements entered into between you and any third party relating to any of Applicant's Marks and all documents relating to any such agreement or any draft thereof, including, but not limited to, documents relating to circumstances, discussions, or negotiations concerning any such agreement.

17. All documents evidencing, reflecting, referring, or relating to any oral or written protest you have made to any person regarding that person's use of any Mark deemed or alleged by you to be similar to any of Applicant's Marks.

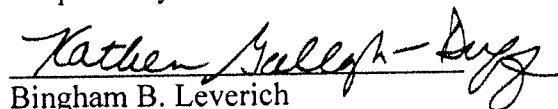
18. All documents evidencing, reflecting, referring, or relating to any oral or written protest any person has made regarding use by you of any of Applicant's Marks.

19. All documents evidencing, reflecting, referring, or relating to any litigation or administrative proceeding (other than this Opposition) between you and any third party that in any way involves any of Applicant's Marks.

20. All documents evidencing, reflecting, referring, or relating to any state or federal trademark or service mark registration owned by you or application filed by you for registration of any of Applicant's Marks for any products or any services similar to, related to or overlapping with any products or services identified by each of Applicant's Marks.

21. All documents and materials identified in response to Applicant's First Interrogatories and all documents and materials whose identification is requested in Applicant's First Interrogatories.

Respectfully submitted,



Bingham B. Leverich
Kathleen T. Gallagher-Duff
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
(202) 662-6000

Attorneys for Opposer
Shoe Show, Inc.

Dated: March 21, 2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Shoe Show, Inc.,

Opposer,

v.

Super Star International, Inc.,

Applicant.

Opposition No. 91202968

Serial No. 85/082,862

Mark: AIR SPORT and Design

Filed: July 12, 2010

CERTIFICATE OF SERVICE

This is to certify that I have this 21st day of March, 2012, served Applicant's counsel with the foregoing Opposer's First Interrogatories and Request for Production of Documents by email to dienerlaw@msn.com and by depositing a copy of the same in the United States mail, postage prepaid and properly addressed as follows:

Christopher Diener, Esq.
Diener Law
18881 Von Karman Ave.
16th Floor
Irvine, CA 62612

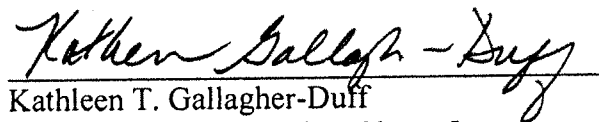

Kathleen T. Gallagher-Duff
Counsel for Opposer Shoe Show, Inc.

Exhibit 3

Gallagher -Duff, Kathleen

From: Gallagher -Duff, Kathleen
Sent: Tuesday, April 03, 2012 5:01 PM
To: Christopher Diener (dienerlaw@msn.com)
Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Dear Christopher:

We have not received Super Star International's Initial Disclosures in the pending trademark opposition proceedings filed by Shoe Show, Inc. against Super Star International's AIR SPORT and Design and AIR SPORT AIR SPORT and Design applications (Opposition Nos. 91202967 and 91202968), which were due March 23.

Please be advised that if we do not receive Super Star International's Initial Disclosures by April 5, we will file with the TTAB a motion to compel.

Furthermore, please be advised that Shoe Show expects to receive Super Star International's responses to Shoe Show's discovery requests by the April 20th deadline.

Kathleen Gallagher-Duff

Kathleen T. Gallagher-Duff
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Phone: (202) 662-5299
Fax: (202) 778-5299
Email: kgallagher-duff@cov.com

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-----Original Message-----

From: Gallagher -Duff, Kathleen
Sent: Friday, March 23, 2012 2:09 PM
To: Christopher Diener (dienerlaw@msn.com)
Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Dear Christopher:

Attached are copies of Shoe Show's Initial Disclosures in the opposition proceedings against Super Star's pending AIR SPORT and Design and AIR SPORT AIR SPORT and Design applications.

Kathleen Gallagher-Duff

Exhibit 4

Gallagher -Duff, Kathleen

Subject: FW: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

-----Original Message-----

From: Christopher Diener Esq [<mailto:dienerlaw@msn.com>]

Sent: Tuesday, May 29, 2012 7:57 PM

To: Gallagher -Duff, Kathleen

Subject: Re: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Dear Kathleen:

I will get you the responses asap. I have been involved in 3 federal trademark and copyright trial back to back to back. I will put you at the top of my list.

Christopher L. Diener, Esq.
Sent via BlackBerry by AT&T

-----Original Message-----

From: Gallagher -Duff Kathleen <kgallagher-duff@cov.com>

Date: Tue, 29 May 2012 23:39:19

To: <dienerlaw@msn.com>

Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Dear Christopher:

Please be advised that if we do not receive Super Star's initial disclosures and responses to Shoe Show's discovery requests (see attached discovery requests) by May 31, 2012, we will be filing a motion to compel with the TTAB.

As you have not provided us with any proposal regarding changes to Super Star's AIR SPORT and Design and AIR SPORT AIR SPORT and Design marks, we assume that Super Star is not interested in exploring settlement possibilities.

Kathleen Gallagher-Duff

Kathleen T. Gallagher-Duff
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Phone: (202) 662-5299
Fax: (202) 778-5299
Email: kgallagher-duff@cov.com

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Thank you for your cooperation.

Exhibit 5

Gallagher -Duff, Kathleen

Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

-----Original Message-----

From: Gallagher -Duff, Kathleen
Sent: Friday, June 01, 2012 5:18 PM
To: 'Christopher Diener Esq '
Subject: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Christopher:

We have not received Super Star's initial disclosures and discovery responses. Accordingly, we will proceed as noted below.

Kathleen Gallagher-Duff

Kathleen T. Gallagher-Duff
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Phone: (202) 662-5299
Fax: (202) 778-5299
Email: kgallagher-duff@cov.com

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-----Original Message-----

From: Christopher Diener Esq [<mailto:dienerlaw@msn.com>]
Sent: Tuesday, May 29, 2012 7:57 PM
To: Gallagher -Duff, Kathleen
Subject: Re: *Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications -- Initial Disclosures (29137.3)

Dear Kathleen:

I will get you the responses asap. I have been involved in 3 federal trademark and copyright trial back to back to back. I will put you at the top of my list.

Christopher L. Diener, Esq.
Sent via BlackBerry by AT&T

-----Original Message-----

Exhibit 6

Gallagher -Duff, Kathleen

Subject: FW: 9-11-12, Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications

From: Christopher Diener Esq [<mailto:dienerlaw@msn.com>]

Sent: Tuesday, September 11, 2012 6:29 PM

To: Gallagher -Duff, Kathleen

Subject: 9-11-12, Shoe Show, Inc.: Oppositions Against Super Star International, Inc.'s AIR SPORT and Design and AIR SPORT AIR SPORT and Design Applications

Dear Ms. Gallagher-Duff:

As I informed you last Friday I have been fighting a flu that is going around my town. I didn't make it to the office today. I believe that my client is going to withdraw its application. I simply need to confirm that there are no unforeseen financial ramifications for withdrawing the application. I should be able to get the withdrawal done within the next couple days. I will call you when I get into the office tomorrow.

Very truly yours,

Christopher Lee Diener, Esq.

18881 Von Karman Ave, 16 FL

Irvine, CA 92612

(949) 291-9604

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